

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
DECEMBER 6, 2011
6:30PM**

Mayor McHale called the meeting to order at 6:30PM

Flag Salute, Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Press Journal*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-present
Mayor McHale-present

Motion to open to the public: Councilwoman Stylianou

Second: Councilman Freeman

All in favor.

1. Jim Kelly, 107 E. Linden Avenue, asked that resolutions #228 and #231 be pulled until the incoming members of the Council should be part of the bid process.
2. Mary Ann Russini, 141 Roosevelt Avenue, asked if the resolutions Mr. Kelly asked to have pulled had to do with the Roosevelt Avenue flood control project.

Mayor McHale replied that they are not related to Roosevelt Avenue.

3. Matthew Hayes, 95 Chestnut Street, stated that he agreed with Mayor-elect Kelly.

Motion to close: Councilwoman Zamechansky

Second: Councilman Manna

All in favor.

Administrator's Report

The Borough is still recovering from the snowstorm. A number of convicts from the Sheriff's office have been working details. The request for aid has been submitted to FEMA. We are hoping for 75% reimbursement. Some issues, like the Bedford Field fence, have been submitted to insurance. We recently received a check for \$4,489. The remainder of the cost of the fence has been submitted to FEMA.

Mr. Perkins thanked Scout Troop 64 for offering assistance in cleaning up Memorial Park. Some children who were watching their siblings play soccer also came over to help.

The Winter Festival was very successful.

Mr. Perkins will be attending a Grant Writing Program next week.

JIF submitted a very favorable report after observing the DPW November 1st while they removed a tree; they reported that they did everything they were supposed to do with safety gear and operation of the truck.

A number of months ago he reported that someone had brought old oil to the DPW, which had been done for years. However, it was laced with PCB's. The claim was submitted to E-JIF, which paid all costs. The DPW is no longer accepting oil.

Mr. Perkins thanked Mr. Paster and Mr. Carrino for convincing the County to authorize direct payment to the landscaper involved in the Library project. The contractor, Zinno Construction, wanted the landscaper to get an insurance policy which would have exceeded the cost of the project.

Thanksgiving morning our phone system went out as a result of the voicemail computer, which blew up. It would cost \$7,400 to have the original phone system company replace the computer. Another company offered replacement at a lower price and projected lower monthly phone bills.

Council Committee Reports

- Councilman Manna

Ethics Board

At a meeting November 17th Mr. Mastroeni requested that he not be reappointed.

DPW Investigatory Hearing Committee

Councilman Manna reported that at last month's meeting Mr. Paster read a letter from Mr. Galantucci that due to pending litigation, his clients have been advised not to answer any questions. At this time the Borough of Dumont and its sitting Council and attorney are being sued by Mr. Winant, Mr. Licameli and Mr. Eckel. He commented that "it seems odd that these men, who had at one time held office of public trust, are reluctant, except for Mr. Eckel, to answer basic questions as to what they knew, when did they know it, what did you do about it and why the Memorandum of Agreement was not followed through with the DEP. Without the cooperation of Mr. Winant and Mr. Licameli the Committee's investigation is incomplete." Councilman Manna added that it seems that there was nobody monitoring the incident from beginning to end. There was also a breakdown in the chain of command and roles of responsibility. Ultimately, the whole operation is the responsibility of the Mayor, the chief executive officer. The Councilman stated that the people of Dumont are owed, at the very least, an explanation as to why after having a memorandum of agreement with the DEP there was no follow through, why no qualified persons maintained and monitored the wells and why there was no plan to remediate. Councilman Manna strongly recommended that the Governing Body pursue this for the residents of Dumont and if after looking at this there are areas of checks and balances to be instituted in order to avoid this type of failure of oversight in the future.

Councilman Carrick commented that we still have to fix mistakes from years ago and was concerned how they would be able to keep taxes down as a result. In addition, the Council members and Borough Attorney are being sued personally.

Councilman Stylianou replied that to add insult to injury, the Borough is not only cleaning up a mess but also defending a completely frivolous lawsuit, which the taxpayers will have to pay for if it isn't covered by the Borough carrier. In his opinion the incident was mismanaged many years ago and now there is a lawsuit because the Governing Body wanted to investigate after being contracted by the DEP.

Mayor's Report

Mayor McHale thanked Councilwoman Zamechansky for all her hard work on the Winter Festival. He asked that she thank all involved with what has become a wonderful town tradition.

Engineer's Report

Mr. Carrino stated that the construction budget for the Environmental Phase II project is \$2.8 million, the 5% contingency fee that the DEP allocates when they fund the project is \$140,000. On September 1st we received bids and the low bid was Tomco at \$3,182,000. The Council requested the engineer lower the threshold of the base bid to \$2.5 million, which they did and proceeded to take some items out and added about thirteen add alternates so that the project could be awarded in full if the bids were under the \$2.8 million.

Councilman Carrick stated that he had asked the number to be lowered to \$2.5 million without removing items.

Mr. Carrino explained that the second bid received was \$300,000 lower than the first round of bids. There is a procedure with Local Public Contracting bidding. Bidders cannot be negotiated with off line. The project was reviewed by the DEP, they have certain requirements and we do not have the right to change the scope of the work.

Councilman Freeman stated that with the economic environment at this time, whether it makes sense that we would be able to get a price lower than the original estimate two years ago.

It was decided that discussion should continue at a meeting next week.

Mayor McHale summed up by saying that the first bids came in over what we had budgeted. We then decided that, for instance, there were replacements of two garages that were expensive to include in the bid so they were put in the bid as add alternates and could be done separately if need be. The add alternates allowed some breathing room to stay within the budgeted amount.

Motion to recess: Councilman Carrick

Second: Councilwoman Zamechansky

All in favor.

Recess to Council Chambers

Flag Salute; Silent Prayer

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Roll Call:

Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-present

Mayor McHale-present

Mayor McHale stated that we have rearranged our agenda tonight so that the proclamation could be presented to the baseball champions. Following the proclamation the Governing Body will be going back into Executive Chambers to continue the rest of the meeting.

A **Proclamation** was presented to 14U Fall Ball Baseball Champions and their coaches by Councilman Stylianou and Mayor McHale. The Councilman thanked Mr. Paster for sponsoring the team and for buying the boys' championship shirts.

Motion to recess to Executive Chambers: Councilman Manna

Second: Councilman Freeman

All in favor.

Motion to resume public meeting: Councilman Caspare
Second: Councilman Carrick
All in favor.

Councilman Carrick stated he doesn't feel comfortable voting on the award of bid for NJEIT until he gets more information. We should go through all thirteen add alternates.

Motion to table Resolution #231: Councilman Carrick

Second: Councilman Stylianou

Roll call vote: Council members Carrick, Caspare, Manna, Stylianou-yes

Council members Freeman and Zamechansky-abstain

Motion carried.

Motion to table Resolution #226: Councilman Carrick

Second: Councilman Caspare

Roll call vote: Council members Carrick, Caspare, Stylianou-yes

Councilman Manna-no

Council members Freeman and Zamechansky-abstain

Borough Engineer Carrino spoke about Roosevelt Avenue drainage, which had been part of the EIT III project. There is a section of Roosevelt bordered by Prospect, McKinley and Cooper. That block is a dish. All of the water collects in the backyards of one or two homes. The scope would be to take and install storm drains on Roosevelt, connected into the existing storm drain that is on Prospect. The time frame for completion of the project will be approximately thirty days.

1. Debby Tamburro, 125 Roosevelt Avenue, asked if this project would help her house. In the past it had to be jacked up.

Mayor McHale explained that the first reading of the ordinance for Roosevelt Avenue project is on the agenda tonight. The funds for this project are from money left over in existing ordinances.

The Library project is almost completed.

Mr. Perkins stated that the Bond Ordinance or Twin Boro Field is on the agenda for first reading. The bids were received-the add-alternates were the sod and the completion of the field to turn back over to Recreation.

Councilman Carrick asked if someone could be hired to oversee the Engineer's work. The project at Memorial Field that they were in charge of was not done well.

Motion to table Resolution #228: Councilwoman Zamechansky

Second: Councilman Carrick

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Review prior to vote:

RESOLUTIONS

#11-225 Marianne Lane-Appointment to Dixon Homestead Library Board of Trustees

#11-226 NJEIT Flood Control Program Phase II-Approval of Request for Contract Amendment for Additional Construction Administration/Easement Services-**TABLED**

- #11-227 Authorization of Execution of Amended Bergen County Open Space Trust Fund for Various Park Improvements at Veteran's Memorial, Columbia and Babe Ruth Fields - \$157,150 Matching Grant
- #11-228 Award of Bid-Twin Boro Field Remediation and Construction Project to T&S Builders - \$1,134,682-**TABLED**
- #11-229 Capital Budget Amendment-Roosevelt Flood Control Project
- #11-230 Approval of Change Order #2-White Beeches Force Main Project - \$7,807.59
- #11-231 Award of Bid-NJEIT Phase II Flood Control Project to Tomco Construction - \$2,370,868.57 Plus Alternates as Determined by the Governing Body-**TABLED**
- #11-232 Bills List-Councilwoman Zamechansky requested it be moved to non-consent
Much time was spent on questioning items on the bills list.
Motion to pull check #50345, T&M bill for \$11,535.47, from bills list until reviewed by Council:
Councilman Carrick
Second: Councilman Caspare
Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes
- #11-233 Transfer Between Budget Appropriations
- #11-234 Capital Budget Amendment-Twin Boro Field Remediation and Reconstruction
- #11-235 Emergency Appropriation Resolution-Twin Boro Field Remediation and Reconstruction
- #11-236 Capital Improvement Emergency Appropriation-Twin Boro Field Remediation and Reconstruction

ORDINANCES

First Reading

- #1436 Bond Ordinance-Roosevelt Avenue Flood Control - \$120,000
- #1437 Amendment to Chapter 455-Zoning of the Dumont Code-Driveways
- #1438 Bond Ordinance-Twin Boro Field Remediation and Reconstruction Project-\$1,200,000

Approval of Minutes

- Motion to approve September 20, 2011 Executive Meeting minutes: Councilwoman Zamechansky
Second: Councilman Stylianou
Roll call vote: Council members Carrick, Caspare, Stylianou, Zamechansky-yes
Council members Freeman and Manna-abstained
Motion to approve September 20, 2011 Public Meeting minutes: Councilman Stylianou
Second: Councilman Carrick
Roll call vote: Council members Carrick, Caspare, Stylianou, Zamechansky-yes
Council members Freeman and Manna-abstained
Motion to approve October 18, 2011 Executive Meeting minutes: Councilwoman Zamechansky
Second: Councilman Carrick
Roll call vote: Council members Carrick, Freeman, Manna, Zamechansky-yes
Council members Caspare and Stylianou-abstained
Motion to approve October 18, 2011 Public Meeting minutes: Councilman Carrick
Second: Councilman Freeman
Roll call vote: Council members Carrick, Freeman, Manna, Zamechansky-yes
Council members Caspare and Stylianou-abstained

Motion to approve October 18, 2011 Closed Session minutes: Councilman Carrick
Second: Councilman Freeman
Roll call vote: Council members Carrick, Freeman, Manna, Zamechansky-yes
Council members Caspare and Stylianou-abstained
Motion to approve November 1, 2011 Executive Session minutes: Councilman Carrick
Second: Councilman Stylianou
Roll call vote: Council members Carrick, Caspare, Manna, Stylianou, Zamechansky-yes
Councilman Freeman-abstained
Motion to approve November 1, 2011 Closed Session minutes: Councilman Carrick
Second: Councilman Freeman
Roll call vote: Council members Carrick, Caspare, Manna, Stylianou, Zamechansky-yes
Councilman Freeman-abstained

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

- #11-225 Marianne Lane-Appointment to Dixon Homestead Library Board of Trustees *
- #11-227 Authorization of Execution of Amended Bergen County Open Space Trust Fund for Various Park Improvements at Veteran's Memorial, Columbia and Babe Ruth Fields - \$157,150 Matching Grant *
- #11-229 Capital Budget Amendment-Roosevelt Flood Control Project *
- #11-230 Approval of Change Order #2-White Beeches Force Main Project - \$7,807.59 *
- #11-233 Transfer Between Budget Appropriations *
- #11-234 Capital Budget Amendment-Twin Boro Field Remediation and Reconstruction *
- #11-235 Emergency Appropriation Resolution-Twin Boro Field Remediation and Reconstruction *
- #11-236 Capital Improvement Emergency Appropriation-Twin Boro Field Remediation and Reconstruction *

Motion to adopt: Councilman Carrick

Second: Councilman Freeman

There was no discussion from the Council.

Motion to open to the public on consent agenda items: Councilman Carrick

Second: Councilman Freeman

All in favor.

Motion to close: Councilman Stylianou

Second: Councilman Freeman

All in favor

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Non-consent Agenda

#11-232 Bills List – amended-removal of check #50345 for further consideration

Motion: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou-yes
Councilwoman Zamechansky-abstained

ORDINANCES

First Reading

#1436 Bond ordinance providing for various storm water sewer improvements, by and in the Borough of Dumont, in the County of Bergen, State of New Jersey; appropriating \$120,000 therefor and authorizing the issuance of \$114,000 bonds or notes of the Borough to finance part of the cost thereof

Motion to waive formal reading: Councilman Carrick

Second: Councilman Freeman

All in favor.

There was no discussion from the Council.

Motion to pass on first reading: Councilwoman Zamechansky

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

#1437 Amendment to Chapter 455-Zoning of the Dumont Code-Driveways

Motion to waive formal reading: Councilman Carrick

Second: Councilman Freeman

Motion to pass on first reading: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

#1438 Bond Ordinance-Twin Boro Field Remediation and Reconstruction Project by and in the Borough of Dumont, in the County of Bergen, State of New Jersey; appropriating \$1,200,000 therefor and authorizing the issuance of \$1,140,000 bonds or notes of the Borough to finance part of the cost thereof

Motion to waive formal reading: Councilman Carrick

Second: Councilman Freeman

All in favor.

There was no discussion from the Council.

Motion to pass on first reading: Councilman Carrick

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Mayor McHale read the resolution to enter closed session to discuss litigation-Winant, Licameli, Eckel vs. Borough of Dumont.

Motion: Councilman Stylianou

Second: Councilman Freeman

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Recorder stopped -the following is a result of written notes:

Motion to go back into public: Councilman Carrick

Second: Councilman Freeman

All in favor.

The Governing Body wishes to hire John S. Shahdanian, Esq. of Chasan, Leyner & Lamparello as special counsel for defense of the Borough Counsel in connection with litigation entitled Winant, Licameli, Eckel v. Borough of Dumont, et als. in connection with allegations arising out of the DPW environmental site remediation investigation. Elected and non-elected are entitled to defense and indemnification in connection with this lawsuit. The Council agreed that this should include the Borough Attorney, Gregg Paster, as well.

The resolution is #237:

Motion to adopt: Councilman Carrick

Second: Councilman Stylianou

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

A meeting date of December 13, 2011 at 7:00 PM to discuss the NJEIT II project, Twin Boro Field project and litigation was agreed upon. The Municipal Clerk will advertise the meeting.

Motion to adjourn: Councilman Carrick

Second: Councilman Freeman

All in favor.

Meeting adjourned at 9:30PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk